

## **Remarks**

Reconsideration and reexamination of the above-identified patent application are respectfully requested. Claims 1-9, 11-19, and 21-23 are pending in this application. No claims have been amended, cancelled, or added.

### **Claim Rejections – 35 U.S.C. § 103**

In the final Office Action mailed on September 6, 2002, the Examiner rejected claims 1-9, 11-19, and 21-23 under 35 U.S.C. § 103(a) as being anticipated by Bidder's Edge located on the Internet at [www.biddersedge.com](http://www.biddersedge.com) ("Bidder's Edge") in view of U.S. Patent No. 5,978,758 issued to McGovern et al. ("McGovern"). The Applicant respectfully traverses the rejection to the claims under 35 U.S.C. § 103(a) and believes that the claimed invention is patentable over any combination of Bidder's Edge and McGovern.

#### **1. The Claimed Invention**

As recited in independent claims 1, 11, and 21, the claimed invention is directed to a method and an associated system for auctioning a product on a computer network having an auction site and a scan site in which the auction site has a sale product identifier indicative of a product for sale by a seller. The method includes placing a desired product identifier on the scan site of the computer network. The desired product identifier is indicative of a product desired by the buyer. The auction site is then monitored by the scan site in order to compare the desired product identifier on the scan site with the sale product identifier on the auction site. Based on the comparison between the desired product identifier and the sale product identifier it is determined whether the product desired by the buyer is for sale on the auction site by the seller. The auction site monitors the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer.

## **2. Bidder's Edge and McGovern**

The Examiner noted that Bidder's Edge for teaching the claimed invention with the exception of teaching a method of scanning the database of desired products from the auction site in order to determine a product desired by the buyer.

The Examiner cited McGovern as teaching a job search system where companies (sellers) input available jobs (products). Job seekers (buyers) submit input on desired jobs and if a match is found they are notified. The Examiner cited col. 18, lines 39-51 of McGovern for teaching that companies can search from the website the database of jobs desired by job seekers to determine which jobs are desired by the job seekers. The Applicant notes that the website includes the capability for companies with available jobs to search for resumes of job seekers by using a keyword search (see col. 18, lines 39-51 of McGovern).

The Examiner posited that it would have been obvious to search the desired product database of Bidder's Edge in the manner taught by McGovern in order to find potential markets for products sellers wish to sell.

## **3. The Claimed Invention Compared with Bidder's Edge and McGovern**

The claimed invention generally differs from any combination of Bidder's Edge and McGovern in that the claimed invention takes into consideration the demand side of an auction by enabling the seller to determine the demand for products by a buyer. This feature is accomplished by the auction site monitoring the scan site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer.

As a result, in addition to solving the problem of buyers having to monitor various auction sites to determine when a desired product becomes available for auctioning by a seller, the claimed invention also solves the converse problem of sellers having to monitor various scan sites to determine when a product is desired to be purchased through an

auctioning by a buyer. As such, the seller need only communicate with the auction site instead of directly with the scan site. This feature which solves the problem of a seller having to directly monitor the scan site to determine the desired products is neither taught nor suggested by the combination of Bidder's Edge and McGovern.

Assuming that it would have been obvious to combine the search system of McGovern to search the auction system of Bidder's Edge, such combination does not involve the auction system of Bidder's Edge searching the search system of McGovern as set forth in the claimed invention (i.e., monitoring the scan site with the auction site to identify the desired product identifier placed on the scan site in order to enable the seller to determine the product desired by the buyer). As such, the Applicant believes that the claimed invention is patentable over any combination of Bidder's Edge and McGovern.

### CONCLUSION

In summary, claims 1-9, 11-19, and 21-23 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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